

DRAFT

A meeting of the New Hampshire Water Well Board was held on August 6, 2009 at 9:00 AM, in rooms 110 & 111, 29 Hazen Drive, Concord NH, 03302.

Present were: Jeffrey Tasker, Chairman
Rene Pelletier, Secretary (arrived 9:45 am.)

Board Members: Stephen Smith, David Wunsch, Peter Caswell and Thomas Garside

NHDES Staff: Richard Schofield and Allyson Gourley

Chairman Tasker brought the meeting to order at 9:10 AM.

Approval of Minutes

6/11/09 Meeting: Upon motion by Mr. Garside, and seconded by Mr. Smith, the Board unanimously voted to accept the Minutes of the meeting.

Previous Complaints

Webster / A.S.K. Well & Pump, LLC

Mr. Schofield updated the Board regarding a complaint that was heard at the Water Well Board Meeting on April 23, 2009. At the June 11, 2009 meeting, Mr. Schofield reported that a Settlement Agreement had been reached by the parties. The Board decided to leave the matter open until the next meeting.

Mr. Schofield reported that Mr. Savarino, of A.S.K. Well & Pump, LLC, has complied with the terms outlined in the Settlement Agreement, but still has not been paid \$650 for the initial work. He said Mr. Savarino has filed a claim with small claims court.

Upon motion by Mr. Smith, and seconded by Mr. Caswell, the Board unanimously voted to close the matter. Mr. Schofield stated that a letter will be sent to both parties informing them that the case has been closed.

Wood / Capital Well Company Inc.

Mr. Schofield updated the membership regarding this complaint that was heard at the last meeting. At that time, the Board voted to keep the matter open until notification that Capital Well Company had corrected the electrical issues.

Mr. Schofield reported that on July 9, 2009, he visited the site with Michael Dragon and Greg Dragon from Capital Well Company to correct the electrical code violation discussed at the June 11, 2009 Board meeting, and to inspect the pump installation to determine if the system was properly grounded. Subsequently, Capital Well Company notified Mr. Schofield in writing that they had corrected the remaining grounding deficiencies at the Wood property on July 17, 2009.

Upon motion by Mr. Smith, and seconded by Mr. Caswell, the Board unanimously voted to close the matter.

New Complaints

Fisher / Contoocook Artesian Well Company

Mr. Schofield briefed the Board regarding a complaint filed by Richard Fisher of 84 North Village Road, Warner, NH, against Contoocook Artesian Well Company. Mr. Fisher's property is one of four properties on that road that are serviced by Warner Village Water Precinct. The Precinct plans to permanently disconnect the water main serving these homes because the water line goes under the Warner River and is in need of maintenance. In order to resolve this situation, the Warner Village Water Precinct hired Contoocook Well Company to install private wells on each of the properties affected by deactivation of this water main. Contoocook Well Company installed a well on Mr. Fisher's property on May 19, 2009. Mr. Fisher's primary concern is that the well was located in a non-conforming location and may devalue his property. His complaint also states that the excavator created a sink-hole behind his house, and a tool bag set down on a Persian rug left a large oil stain.

Mr. Schofield conducted an inspection of the property on June 17, 2009. He measured the well to be 142 feet from the northeast property line and 35 feet from the southwest property line. The total width of the property was measured to be approximately 177 feet. The location of the well is considered "non-conforming" because it does not meet the 75-foot minimum setback in accordance with We 602.05. If the well had been located in the center of the backyard, it would have met the setbacks.

Mr. Schofield noted in his inspection report that the location for the well may have been selected based upon the most logical location for a replacement septic system. Mr. Fisher told Mr. Schofield that his existing septic system was "grandfathered". Mr. Schofield recommended that Mr. Fisher hire a septic system designer to determine a possible location for a replacement system, should he need to replace his septic system at any point in the future.

Mr. Schofield informed the Board that DES had reviewed the well construction and location, and found no violations. He had interviewed Richard Patenaude and Wallace Coran from Contoocook Well Company and Lynn Perkins, Commissioner Warner Village Water Precinct. Mr. Coran and Mr. Perkins sited the well in the third and final location and Mr. Fisher signed a "Non-conforming Well Location Form" prior to the well being installed. Mr. Schofield reported to the Membership that DES would take no action with regard to the matter based upon the following findings:

- 1) The existing septic system is a grandfathered system;
- 2) Contoocook Artesian Well Company used proper judgment in considering the site conditions including the location of the existing septic system, the likelihood that a future septic system will be located on the property, and the setback to the southwest property line;
- 3) Extra casing was set into bedrock;
- 4) The casing was grouted; and
- 5) A Non-conforming Well Location Form was signed and filed with the Board.

Mr. Fisher was invited to the table to explain his perspective on the matter. He contends he signed the "Non-conforming Well Location Form" because he felt as though he had no choice.

Richard Patenaude and Wallace Coran representing Contoocook Artesian Well Company were invited to the table to give their perspective. Mr. Patenaude said that Mr. Fisher had been a septic system installer, and should have fully understood the Non-conforming waiver that he signed. (Mr. Fisher confirmed that he had been a licensed septic system installer for 30 years). Mr. Patenaude said he felt that there were bad feelings involved, and that Mr. Fisher might have been encouraged to file the complaint by another well installer who was not awarded the job.

Following considerable discussion, the Membership found that the well should have been located in accordance with applicable setback requirements unless the size of the lot, or other physical constraints listed on the non-conforming well location form prohibit access for the drilling equipment. The Board also found that Contoocook Artesian Well Company, Inc., applied appropriate construction methods to protect the well against potential contamination including, installing a total of 123 feet of casing, installing 44 feet of casing into bedrock, and grouting the casing. The additional protective construction methods used are accepted industry standards designed to protect public health.

Upon motion by Mr. Garside, and seconded by Mr. Pelletier, the Board voted to provide a letter to both parties, summarizing the findings above, and close the matter. (motion passed with one abstention).

Julio / Aqua Specialties

Mr. Julio called Aqua Specialties on November 10, 2008 for a no water call to restore water to the home.

Aqua Specialties responded and successfully primed Mr. Julio's existing pump and restored water to the home. The company responded to a second no water call on December 8 and installed a pressure tank to help maintain pressure on the jet pump. On December 9 Aqua Specialties returned and installed a temporary utility pump in the well, and tried to push water into the home, but their efforts were unsuccessful. Aqua Specialties informed Mr. Julio at that time that the water service pipe was leaking and would need to be excavated and repaired. The company does not own excavation equipment.

Mr. Julio paid \$45.72 for the service calls, but because the water system wasn't fixed he will not pay the remaining balance.

Mr. Schofield conducted a site visit on July 13, 2009 and found that the dug well had recently been repaired, the 200 foot water service line replaced, and a new AY McDonald jet pump and tank was installed in the kitchen by a plumbing and heating contractor hired by the Town of Chichester.

Following a Motion by Mr. Smith, and seconded by Mr. Pelletier, the Board found that the complaint was unwarranted and invalid. The work performed by Aqua Specialties was legitimate and the company deserves to be paid. The complaint was dismissed.

Licensing

License Applicants - Mr. Schofield presented the Membership with two new license applications for the Board's review and provided additional background information on the applications. The Board voted to approved license applications for:

Greg Hill d/b/a Gregory F. Hill Excavations, LLC
Kevin Maher d/b/a Thermonexus, LLC

Geothermal Contractors – The Membership continued discussion on licensing of geothermal contractors. Mr. Schofield provided a copy of a draft news release hi-lighting the requirements of Senate Bill 48, which became effective July 7, 2009, for consideration by the Board. The Board approved the news release and instructed staff to have the document reviewed by the DES – Public Information Center before release.

The Membership also reviewed and discussed the types of geothermal licenses issued in the past few years, which include rotary drill for open loop, closed loop, and a few limited rotary licenses for open loop, closed loop, and small diameter closed loop drilling. The Board agreed upon the need for a new license category for closed loop geothermal well construction. A separate exam will need to be created for the license. Once established by rule, all contractors constructing closed loop geothermal wells will be required to have the license. Contractors constructing open loop wells must hold a license under one of the existing license categories. Mr. Schofield mentioned that a rulemaking will be required in order to implement a new license.

Request for Inactive Status – Mr. Schofield informed the Membership that the Board had received a request from Guy Chevalier to place his water well contractor and pump installer licenses on inactive status for a period of 3 years. Mr. Chevalier stated he would keep up his continuing education classes during the period. The Board granted the request.

Request for Exemption - Mr. Schofield informed the Membership that the Board had received a request from Arnold Rousseau to grant an exemption from the two hour continuing education requirement for renewal of his pump installer license. Mr. Rousseau cited medical reasons. Upon motion by Mr. Smith, and seconded by Mr. Wunsch, the Board voted unanimously to grant the exemption. The Board requests that Mr. Rousseau complete a two hour class within six months or report back to the Board at that time.

New Business

Steel Well Casing – Jon Warzocha of Horizons Engineering, LLC addressed the Board regarding a six inch steel well casing installed in a well constructed for the Town of Monroe in 2006. The casing was pitted and corroded nearly half way through the wall of the 17 lb/ft steel pipe. The Membership discussed several possibilities for the corrosion including electrolysis, low pH water around the outside of the casing or water used for mixing the grout, or impurities in the steel. Mr. Warzocha said he would investigate the ASTM and the ANSI / AWWA standards for steel water well casing and get back to the Board with his findings.

Geothermal Manufacturer's Specification for Plastic Fused Fittings at Pitless Adapter - Mr. Caswell brought the Membership's attention to a geothermal manufacturer's specification that requires plastic fused fittings at the pitless adapter. The Board's rules prohibit nylon or plastic fittings in the well. The Membership inspected one of the fused fittings and determined it was acceptable. Mr. Schofield was instructed to include the fitting in the next rulemaking.

Federal Hydro-fracturing Bill - Mr. Wunsch brought the Board's attention to a federal bill which would empower EPA to regulate hydro-fracturing in deep natural gas wells currently being used in the Marcellus Shale Play in Pennsylvania. The bill's current language includes hydro-fracturing of water wells and the National Ground Water Association is following the bill closely.

HB 2, Committee on Consolidation of Boards, Commissions, and Councils – Mr. Schofield informed the Board that HB 2 created a legislative Study Committee to look at the feasibility of consolidation of Boards, Commissions, and Counsels in state government. Mr. Schofield provided the Membership with copies of the report he submitted to the Committee for the Water Well Board.

Request for Exemption - This item was not on the agenda. Mr. Schofield provided the Membership with a request for exemption submitted by Gap Mountain Drilling to decommission an existing well with washed aggregate to 20 feet below casing and bentonite to the ground surface. A new well will be drilled within 10 feet from the existing well and Mr. Schofield was concerned about bentonite grout contaminating the new well. A sketch of the site was provided, however the Board determined that it needed more information, and the matter was tabled.

The Board discussed with staff its interpretation of the provisions RSA 482-B:12, wells constructed for farming or private use.

The meeting was adjourned at 1:04 p.m.

Rene Pelletier
Water Well Board Secretary